

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

In the Matter of Establishment Inspection of
BUFFALO RECYCLING ENTERPRISES, LLC,
et al.,

Petitioners,

v.

ORDER
10-MC-072A

BUFFALO RECYCLING ENTERPRISES, LLC,
et al.,

Respondents.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 1, 2011, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that petitioner's application for an order of civil contempt be denied and that Buffalo Recycling's motion to quash the inspection warrant be granted, without prejudice to petitioner's right to apply for another warrant.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, petitioner's application for an order of civil contempt is denied and Buffalo Recycling's motion to quash the inspection warrant is granted, without prejudice to petitioner's right to apply for another warrant.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 23, 2011